CLERK'S OFFICE U.S. DISTRICT COURT AT ROANOKE VA. - FILED

4AY 1 2 2009

JOHN F. GORCOPAN, CLERK

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

ROBERT A. UNGER, Petitioner,

Civil Action No. 7:09-cv-00159

FINAL ORDER

v.

By: Hon. James C. Turk

Senior U.S. District Judge

SUPERINTENDENT NRADC, Respondent.

In accordance with the written memorandum opinion entered this day, it is hereby

## **ORDERED**

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, is **DISMISSED** without prejudice for failure to exhaust state court remedies and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this final order and the accompanying memorandum opinion to the petitioner.

ENTER: This / 2 day of May, 2009.

Senior United States District Judge